

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

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| INA STEINER, et al., |) | Civil Action No. 21-CV-11181-PBS |
| Plaintiffs, |) | |
| v. |) | |
| EBAY INC., et al., |) | Civil Action No. 21-CV-11181-PBS |
| Defendants. |) | |
| |) | |
| |) | |
| |) | |
| |) | |

**DECLARATION OF ANDREW J. O'CONNOR IN SUPPORT OF THE JOINT
UNOPPOSED MOTION OF DEFENDANTS WENDY JONES, DEVIN WENIG, AND
STEVE WYMER TO FILE CERTAIN DOCUMENTS IN SUPPORT OF WENDY
JONES'S MOTION TO STRIKE AND PORTIONS OF DEVIN WENIG'S AND STEVE
WYMER'S JOINDERS UNDER SEAL**

I, Andrew J. O'Connor, hereby state and depose as follows:

1. I submit this declaration in support of Wendy Jones's ("Ms. Jones"), Devin Wenig's ("Mr. Wenig"), and Steve Wymer's ("Mr. Wymer") joint, unopposed motion to file under seal certain exhibits, portions of Ms. Jones's memorandum of law in support of her forthcoming motion to strike the proffered testimony of Defendant Jim Baugh, and portions of Mr. Wenig's and Mr. Wymer's forthcoming joinders thereto in the above-captioned matter.

2. I am counsel of record for Ms. Jones in the above-captioned matter. The statements set forth herein are based on my own personal knowledge. They are also true to the best of my knowledge, information, and belief as of the date I signed this declaration.

3. In support of Ms. Jones's forthcoming Motion to Strike Plaintiffs' Proffer of Future Testimony or, in the Alternative, Motion for Supplemental Discovery ("Motion to Strike"), Ms. Jones intends to file WhatsApp messages that were designated confidential by the

U.S. Attorney's Office in the case *United States v. Baugh et al.*, No. 1:20-cr-10263-PBS pursuant to the protective order in that matter. *United States v. Baugh et al.*, No. 1:20-cr-10263-PBS, ECF 44.

4. Ms. Jones also intends to file transcript excerpts from the September 26, 2024 deposition of Defendant Stephanie Stockwell. The excerpts quote from and otherwise describe the WhatsApp messages discussed in ¶ 3.

5. The *United States v. Baugh et al.* protective order was amended so that Defendants in this matter could inspect and copy the WhatsApp messages for this civil litigation. ECF 443 ¶ 2. The WhatsApp messages were designated "Confidential" under the operative protective order in this matter. See ECF 407 at 6–8, 11.

6. Under the terms of this matter's operative protective order, parties may not publicly disclose material designated "Confidential" by another party "[u]nless otherwise ordered by the Court or permitted in writing by the Designating Party." ECF 407 at 11. The Court has not ordered public disclosure of the WhatsApp messages, nor has any Designating Party or the U.S. Attorney's Office permitted public disclosure of the messages.

7. Ms. Stockwell's deposition transcript also contains information flowing from the confidential WhatsApp messages. The Court has not ordered public disclosure of this transcript, nor has any Designating Party granted permission in writing to disclose the underlying WhatsApp messages.

8. I understand that Mr. Wenig also intends to file under seal portions of his forthcoming Notice of Joinder to Ms. Jones's Motion to Strike because portions of his joinder rely on materials this Court previously granted leave to file under seal. I understand Mr. Wenig

intends to file a redacted version of his joinder on the public record.

9. I further understand that Mr. Wymer also intends to file under seal portions of his forthcoming Notice of Joinder to Ms. Jones's Motion to Strike because portions of his joinder rely on the materials designated "Confidential" discussed above, as well as deposition testimony from Defendant Veronica Zea that has been designated "Confidential" by a party other than Mr. Wymer. I understand Mr. Wymer intends to file a redacted version of his joinder on the public record.

I declare under the pains and penalties of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed April 3, 2025 in Boston, Massachusetts.

/s/ Andrew J. O'Connor
Andrew J. O'Connor

CERTIFICATE OF SERVICE

I hereby certify that on April 3, 2025, this document, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants.

Date: April 3, 2025

/s/ Andrew J. O'Connor
Andrew J. O'Connor